

MONTANA LEGISLATIVE HISTORY

Chapter 339 19 97

Bill H 572 S _____

Original bill & history ✓ c

H. Committee on Natural Resources S. Committee on Natural Resources

Hearing Date(s) 2/5 ✓ c

Hearing Date(s) 2/24 ✓ c

2/17 ✓ c

3/26 ✓ c

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_____ c

Date Out _____ c

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

HOUSE BILL NO. 512

INTRODUCED BY GILBERT, HARPER

IN THE HOUSE

FEBRUARY 6, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

FEBRUARY 19, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1993

PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 22, 1993

ENGROSSING REPORT.

FEBRUARY 23, 1993

THIRD READING, PASSED.
AYES, 99; NOES, 0.

FEBRUARY 24, 1993

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FIRST READING.

MARCH 27, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 31, 1993

SECOND READING, CONCURRED IN.

APRIL 1, 1993

THIRD READING, CONCURRED IN.
AYES, 45; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 2, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 512
 2 INTRODUCED BY Willard Tayer
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PETROLEUM
 5 TANK RELEASE COMPENSATION BOARD TO REIMBURSE ELIGIBLE
 6 EXPENSES FOR ACCIDENTAL PETROLEUM RELEASES FROM PROPERLY
 7 INSTALLED DOUBLE-WALLED TANK SYSTEMS AT THE RATE OF 100
 8 PERCENT; AMENDING SECTIONS 75-11-301, 75-11-302, 75-11-307,
 9 75-11-308, 75-11-309, AND 75-11-319, MCA; AND PROVIDING AN
 10 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

11
 12 WHEREAS, the 1993 Legislature found that underground
 13 storage tanks and underground pipes connected to underground
 14 and above ground storage tanks must be regulated in order to
 15 protect public health and safety, the health of living
 16 organisms, and the environment; and

17 WHEREAS, the Department of Health and Environmental
 18 Sciences adopted rules in 1989 that included design and
 19 construction requirements for underground storage tanks and
 20 underground pipes; and

21 WHEREAS, double-walled construction of underground
 22 storage tanks and underground pipes should be encouraged
 23 because it provides superior prevention of releases of
 24 regulated substances to the environment over the operational
 25 life of an underground storage tank system as well as

1 superior containment of regulated substances that are
 2 released from the interior vessel until the substances can
 3 be detected and removed.

5 STATEMENT OF INTENT

6 A statement of intent is required for this bill to
 7 provide guidance to the department of health and
 8 environmental sciences concerning the adoption of rules to
 9 govern double-walled underground storage tank systems as
 10 defined in 75-11-302(8). Double-walled construction is to be
 11 encouraged because it provides superior prevention of
 12 releases of regulated substances to the environment over the
 13 operational life of an underground storage tank system as
 14 well as superior containment of regulated substances that
 15 are released from the interior vessel until the substances
 16 can be detected and removed. The department is directed to
 17 adopt rules that specify the types of materials or
 18 combination of materials that must be used to appropriately
 19 construct double-walled tank systems and that specify
 20 necessary design, construction, and installation techniques.

21
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 **Section 1.** Section 75-11-301, MCA, is amended to read:

24 "75-11-301. Findings and purposes. (1) The legislature
 25 finds that the use of petroleum products stored in tanks

1 contributes significantly to the economic well-being and
2 quality of life of Montana citizens.

3 (2) The legislature finds that leaks, spills, and other
4 releases of petroleum products from storage tanks endanger
5 public health and safety, ground water quality, and other
6 state resources.

7 (3) The legislature finds that current administrative
8 and financial resources of the public and private sectors
9 are inadequate to address problems caused by releases from
10 petroleum storage tanks and need to be supplemented by a
11 major program of release detection and corrective action.

12 (4) The legislature finds that proper funding for the
13 program is through a petroleum storage tank cleanup fee paid
14 by persons who use and receive the benefits of petroleum
15 products. The legislature further finds that this general
16 use fee, provided for in 75-11-314, is intended solely to
17 support a program to pay for corrective action and damages
18 caused by releases from petroleum storage tanks. The general
19 use fee is collected from distributors for administrative
20 convenience and is not intended as a method for collecting
21 highway revenue pursuant to the provisions of Article VIII,
22 section 6, of the Montana constitution. The fee is intended
23 to implement the legislature's duty to provide for the
24 administration and enforcement of maintaining and improving
25 a clean and healthful environment for present and future

1 generations, as required by Article IX, section 1, of the
2 Montana constitution.

3 (5) The purposes of this part are to:

4 (a) protect public health and safety and the
5 environment by providing prompt detection and cleanup of
6 petroleum tank releases;

7 (b) provide adequate financial resources and effective
8 procedures through which tank owners and operators may
9 undertake and be reimbursed for corrective action and
10 payment to third parties for damages caused by releases from
11 petroleum storage tanks; and

12 (c) assist certain tank owners and operators in meeting
13 financial assurance requirements under state and federal law
14 governing releases from petroleum storage tanks; and

15 (d) provide tank owners with incentives to improve
16 underground storage tank facilities in order to minimize the
17 likelihood of accidental releases."

18 **Section 2.** Section 75-11-302, MCA, is amended to read:

19 "75-11-302. Definitions. The following definitions
20 apply to this part:

21 (1) "Accidental release" means a sudden or nonsudden
22 release, neither expected nor intended by the tank owner or
23 operator, of petroleum or petroleum products from a storage
24 tank that results in a need for corrective action or
25 compensation for third party bodily injury or property

1 damage.

2 (2) "Board" means the petroleum tank release
3 compensation board established in 2-15-2108.

4 (3) "Bodily injury" means physical injury, sickness, or
5 disease sustained by an individual, including death that
6 results from the physical injury, sickness, or disease at
7 any time.

8 (4) "Claim" means a written request prepared and
9 submitted by an owner or operator or an agent of the owner
10 or operator for reimbursement of expenses caused by an
11 accidental release from a petroleum storage tank.

12 (5) "Corrective action" means investigation,
13 monitoring, cleanup, restoration, abatement, removal, and
14 other actions necessary to respond to a release.

15 (6) "Department" means the department of health and
16 environmental sciences provided for in Title 2, chapter 15,
17 part 21.

18 (7) "Distributor" means a distributor as defined in
19 15-70-201.

20 (8) "Double-walled tank system" means an underground
21 storage tank and associated product piping that is designed
22 and constructed of cathodically protected steel, fiberglass,
23 or composite materials with inner and outer walls separated
24 by an interstitial space and that is capable of being
25 monitored for leakage.

1 ~~(8)~~(9) "Eligible costs" means expenses reimbursable
2 under 75-11-307.

3 ~~(9)~~(10) "Fee" means the petroleum storage tank cleanup
4 fee provided for in 75-11-314.

5 ~~(10)~~(11) "Fund" means the petroleum tank release cleanup
6 fund established in 75-11-313.

7 ~~(11)~~(12) "Gasoline" means gasoline as defined in
8 15-70-201. For the purposes of this chapter, gasoline does
9 not include JP-4 jet fuel sold to the federal defense fuel
10 supply center.

11 ~~(12)~~(13) "Operator" means a person in control of or
12 having responsibility for the daily operation of a petroleum
13 storage tank.

14 ~~(13)~~(14) "Owner" means a person who holds title to,
15 controls, or possesses an interest in a petroleum storage
16 tank. The term does not include a person who holds an
17 interest in a tank solely for financial security, unless
18 through foreclosure or other related actions the holder of a
19 security interest has taken possession of the tank.

20 ~~(14)~~(15) "Person" means an individual, firm, trust,
21 estate, partnership, company, association, joint stock
22 company, syndicate, consortium, commercial entity,
23 corporation, or agency of state or local government.

24 ~~(15)~~(16) "Petroleum" or "petroleum products" means crude
25 oil or any fraction thereof of crude oil that is liquid at

1 standard conditions of temperature and pressure (60 degrees
2 F and 14.7 pounds per square inch absolute) or motor fuel
3 blend, such as gasohol, and that is not augmented or
4 compounded by more than a de minimis amount of another
5 substance.

6 ~~†16†~~(17) "Petroleum storage tank" means a tank that
7 contains or contained petroleum or petroleum products and
8 that is:

9 (a) an underground storage tank as defined in
10 75-10-403;

11 (b) a storage tank that is situated in an underground
12 area such as a basement, cellar, mine, drift, shaft, or
13 tunnel;

14 (c) an above ground storage tank with a capacity less
15 than 30,000 gallons; or

16 (d) above ground or underground pipes associated with
17 tanks under subsections ~~†16†~~(b) (17)(b) and ~~†16†~~(c) (17)(c),
18 except that pipelines regulated under the following laws are
19 excluded:

20 (i) the Natural Gas Pipeline Safety Act of 1968 (49
21 U.S.C. 1671, et seq.);

22 (ii) the Hazardous Liquid Pipeline Safety Act of 1979
23 (49 U.S.C. 2001, et seq.); and

24 (iii) state law comparable to the provisions of law
25 referred to in subsections ~~†16†~~(d)†† (17)(d)(i) and

1 ~~†16†~~(d)†† (17)(d)(ii), if the facility is intrastate.

2 ~~†17†~~(18) "Property damage" means:

3 (a) physical injury to tangible property, including
4 loss of use of that property caused by the injury; or

5 (b) loss of use of tangible property that is not
6 physically injured.

7 ~~†18†~~(19) "Release" means any spilling, leaking,
8 emitting, discharging, escaping, leaching, or disposing of
9 petroleum or petroleum products from a petroleum storage
10 tank into ground water, surface water, surface soils, or
11 subsurface soils."

12 **Section 3.** Section 75-11-307, MCA, is amended to read:

13 "75-11-307. Reimbursement for expenses caused by a
14 release. (1) Subject to the availability of money from the
15 fund under subsection (5), an owner or operator who is
16 eligible under 75-11-308 and complies with 75-11-309 and any
17 rules adopted to implement those sections must be reimbursed
18 by the board from the fund for the following eligible costs
19 caused by a release from a petroleum storage tank:

20 (a) corrective action costs; and

21 (b) compensation paid to third parties for bodily
22 injury or property damage.

23 (2) An owner or operator may not be reimbursed from the
24 fund for the following expenses:

25 (a) corrective action costs or the costs of bodily

1 (g) expenses exceeding the maximum reimbursements
2 provided for in subsection (4).

3 (3) An owner or operator may designate a person as his
4 an agent to receive the reimbursement, provided that the
5 owner or operator remains legally responsible for all costs
6 and liabilities incurred as a result of the release.

7 (4) Subject to the availability of funds under
8 subsection (5):
9 (a) for releases eligible for reimbursement from the
10 petroleum tank release cleanup fund that are discovered and
11 reported on or after April 13, 1989, from a tank storing
12 heating oil for consumptive use on the premises where it is
13 stored or from a farm or residential tank with a capacity of
14 1,100 gallons or less that is used for storing motor fuel
15 for noncommercial purposes, the board shall reimburse an
16 owner or operator for 50% of the first \$10,000 of eligible
17 costs and 100% of subsequent eligible costs, up to a maximum
18 total reimbursement of \$495,000; and
19 (b) for all other releases eligible for
20 reimbursement from the petroleum tank release cleanup fund
21 that are discovered and reported on or after April 13, 1989,
22 the board shall reimburse an owner or operator for 50% of
23 the first \$35,000 of eligible costs and 100% of subsequent
24 eligible costs, up to a maximum total reimbursement of
25 \$982,500 for single-walled tank system releases and \$1

1 (g) expenses exceeding the maximum reimbursements
2 provided for in subsection (4).

3 (3) An owner or operator may designate a person as his
4 an agent to receive the reimbursement, provided that the
5 owner or operator remains legally responsible for all costs
6 and liabilities incurred as a result of the release.

7 (4) Subject to the availability of funds under
8 subsection (5):
9 (a) for releases eligible for reimbursement from the
10 petroleum tank release cleanup fund that are discovered and
11 reported on or after April 13, 1989, from a tank storing
12 heating oil for consumptive use on the premises where it is
13 stored or from a farm or residential tank with a capacity of
14 1,100 gallons or less that is used for storing motor fuel
15 for noncommercial purposes, the board shall reimburse an
16 owner or operator for 50% of the first \$10,000 of eligible
17 costs and 100% of subsequent eligible costs, up to a maximum
18 total reimbursement of \$495,000; and
19 (b) for all other releases eligible for
20 reimbursement from the petroleum tank release cleanup fund
21 that are discovered and reported on or after April 13, 1989,
22 the board shall reimburse an owner or operator for 50% of
23 the first \$35,000 of eligible costs and 100% of subsequent
24 eligible costs, up to a maximum total reimbursement of
25 \$982,500 for single-walled tank system releases and \$1

million for properly installed double-walled tank system releases, except for a--tank--storing--heating--oil--for consumptive-use-on-the-premises-where-it-is-stored-or-a-farm or-residential-tank-with-a-capacity-of-1,100-gallons-or-less that-is--used--for--storing--motor--fuel--for--noncommercial purposes accidental releases discovered and reported on or after [the effective date of this act] from properly installed double-walled tank systems, which release costs must be reimbursed at 100% of eligible costs, and.

(b)--for--releases--eligible--for-reimbursement-from-the petroleum-tank-release-cleanup-fund-that-are-discovered--and reported--on--or--after--April--13,--1989,--the--board--shall reimburse-an-owner-or-operator-for-50%-of-the-first--\$10,000 of--eligible-costs-and-100%-of-subsequent-eligible-costs, up to-a-maximum-total-reimbursement-of--\$495,000,--for--a--tank storing--heating--oil--for--consumptive--use-on-the-premises where-it-is-stored-or-a-farm--or--residential--tank--with--a capacity--of--1,100-gallons-or-less-that-is-used-for-storing motor-fuel-for-noncommercial-purposes.

(5) If the fund does not contain sufficient money to pay approved claims for eligible costs, a reimbursement may not be made and the fund and the board are not liable for making any reimbursement for the costs at that time. When the fund contains sufficient money, eligible costs must be reimbursed subsequently in the order in which they were

approved by the board."

Section 4. Section 75-11-308, MCA, is amended to read:

"75-11-308. Eligibility. (1) An owner or operator is eligible for reimbursement for the applicable percentage as provided in 75-11-307(4)(a) and (4)(b) of eligible costs caused by a release from a petroleum storage tank only if:

(a) the release was discovered on or after April 13, 1989;

(b) the department is notified of the release in the manner and within the time provided by law or rule;

(c) the department has been notified of the existence of the tank in the manner required by department rule or has waived the requirement for notification;

(d) the release was an accidental release; and

(e) with the exception of the release, the operation and management of the tank complied with applicable state and federal laws and rules when the release occurred and remained in compliance following detection of the release.

(2) An owner or operator is not eligible for reimbursement from the petroleum tank release cleanup fund for expenses caused by releases from the following petroleum storage tanks:

(a) a tank located at a refinery or a terminal of a refiner;

(b) a tank located at an oil and gas production,

1 facility;

2 (c) a tank that is or was previously under the
3 ownership or control of a railroad;

4 (d) a tank belonging to the federal government;

5 (e) a tank owned or operated by a person who has been
6 convicted of a substantial violation of state or federal law
7 or rule that relates to the installation, operation, or
8 management of petroleum storage tanks; or

9 (f) a mobile storage tank used to transport petroleum
10 or petroleum products from one location to another."

11 **Section 5.** Section 75-11-309, MCA, is amended to read:

12 "75-11-309. Procedures for reimbursement of eligible
13 costs. (1) An owner or operator seeking reimbursement for
14 eligible costs and the department shall comply with the
15 following procedures:

16 (a) If an owner or operator discovers or is provided
17 evidence that a release may have occurred from his the owner
18 or operator's petroleum storage tank, he the owner or
19 operator shall immediately notify the department of the
20 release and conduct an initial response to the release in
21 accordance with state and federal laws and rules to protect
22 public health and safety and the environment.

23 (b) The owner or operator shall conduct a thorough
24 investigation of the release, report the findings to the
25 department, and, as determined necessary by the department,

1 prepare and submit for approval by the department a
2 corrective action plan that conforms with state, tribal
3 (where applicable), and federal corrective action
4 requirements.

5 (c) (i) The department shall review the corrective
6 action plan and forward a copy to a local government office
7 and, where applicable, a tribal government office with
8 jurisdiction over a corrective action for the release. The
9 local or tribal government office shall inform the
10 department if it wants any modification of the proposed
11 plan.

12 (ii) Based on its own review and comments received from
13 a local government, tribal government, or other source, the
14 department may approve the proposed corrective action plan,
15 make or request the owner or operator to modify the proposed
16 plan, or prepare its own plan for compliance by the owner or
17 operator. A plan finally approved by the department through
18 any process provided in this subsection (c) is the approved
19 corrective action plan.

20 (iii) After the department approves a corrective action
21 plan, a local government or tribal government may not impose
22 different corrective action requirements on the owner or
23 operator.

24 (d) The department shall notify the owner or operator
25 and the board of its approval of a corrective action plan.

(e) The owner or operator shall implement the approved plan. The department may oversee the implementation of the plan, require reports and monitoring from the owner or operator, undertake inspections, and otherwise exercise its authority concerning corrective action under Title 75, chapter 10, parts 4 and 7, and other applicable law and rules.

(f) The owner or operator shall document in the manner required by the board all expenses incurred in preparing and implementing the corrective action plan. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board. The board shall forward each claim and appropriate documentation to the department. The department shall notify the board of any costs that the department considers not reimbursable because of any failure to meet the requirements of subsection (2). The department shall inform the owner or operator of any notification given to the board.

(g) The owner or operator shall document, in the manner required by the board, any payments to a third party for bodily injury or property damage caused by a release. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(h) In addition to the documentation in subsections

(1)(f) and (1)(g), when the release is claimed to have originated from a double-walled tank system, the owner or operator shall document, in the manner required by the board, the following:

(i) the date the release was discovered;

(ii) that the originating tank was part of a double-walled tank system as defined in 75-11-302; and

(iii) that the double-walled tank system was properly installed and made of materials and constructed in accordance with applicable department regulations.

(2) The board shall review each claim received under subsections (1)(f) and (1)(g), make the determination required by this subsection, inform the owner or operator of its determination, and, as appropriate, reimburse the owner or operator from the fund. Before approving a reimbursement, the board shall affirmatively determine that:

(a) the expenses for which reimbursement is claimed:

(i) are eligible costs; and

(ii) were actually, necessarily, and reasonably incurred for the preparation or implementation of a corrective action plan approved by the department or for payments to a third party for bodily injury or property damage; and

(b) the owner or operator:

(i) is eligible for reimbursement under 75-11-308; and

(ii) has complied with this section and any rules

adopted pursuant to this section.

(3) If an owner or operator disagrees with a board determination under subsection (2), he the owner or operator may submit a written request for a hearing before the board. The hearing must be held at a meeting of the board no later than 120 days following receipt of the request or at a time mutually agreed to by the board and the owner or operator.

(4) The board shall obligate money for reimbursement of eligible costs of owners and operators in the order that the costs are finally approved by the board.

(5) (a) The board may, at the request of an owner or operator, guarantee in writing the reimbursement of eligible costs that have been approved by the board but for which money is not currently available from the fund for reimbursement.

(b) The board may, at the request of an owner or operator, guarantee in writing reimbursement of eligible costs not yet approved by the board, including estimated costs not yet incurred. A guarantee for payment under this subsection (5)(b) does not affect the order in which money in the fund is obligated under subsection (4).

(c) When considering a request for a guarantee of payment, the board may require pertinent information or documentation from the owner or operator. The board may grant or deny, in whole or in part, any request for a

guarantee."

Section 6. Section 75-11-319, MCA, is amended to read:

"75-11-319. Rulemaking authority -- department and department of transportation. (1) The department may adopt rules necessary to administer its responsibilities under this part, including rules for the design, construction, installation, and operation of double-walled tank systems and requirements for approval of corrective action plans.

(2) The department of transportation shall adopt rules governing the collection of the petroleum storage tank cleanup fee. The rules may include, at a minimum, reporting and recordkeeping requirements, method and timing of payment, and examination of records. The rules must be generally consistent with procedures governing the collection of the gasoline license tax provided for in Title 15, chapter 70."

NEW SECTION. **Section 7. Applicability.** [This act] applies to releases discovered on or after October 1, 1993, from double-walled underground storage tank systems installed on or after October 1, 1993.

NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN DICK KNOX**, on February 15, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: Rep. Feland

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 503, HB 448, HB 419, HB 571, HB 532,
HB 512, HB 407 and HB 567
Executive Action: HB 488, HB 379 HB 395, HB 454 and HB 434

HEARING ON HB 571

Opening Statement by Sponsor:

REP. DAVE BROWN, HD 72, Butte, stated HB 571 was drafted at the

Opponents' Testimony:

Jeff Hagener, Administrator, Land Administration Division, Department of State Lands (DSL), said he opposes HB 407 as it allows general recreational use of state lands without compensation. EXHIBIT 13

John Bloomquist, on behalf of the Montana Stockgrowers Association, said school trust lands must be compensated for their use. Elimination of the \$5 fee is not supported by the Montana Constitution or the Montana Enabling Act. EXHIBIT 14

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. DOLEZAL said HB 407 has been heard in several differing forms and further emphasizes there is no question regarding who has the right to recreate. Hunters and fishermen do not want to be treated differently than other recreationists.

HEARING ON HB 512

Opening Statement by Sponsor:

REP. BOB GILBERT, HD 22, Sidney, presented HB 512, a bill which will provide financial incentive for installation of double-walled petroleum tanks. This bill will offer reimbursement to replace tanks if there is an accidental petroleum tank discharge.

Proponents' Testimony:

Brian McNitt, Montana Environmental Information Center, strongly supports double-walled petroleum tanks. The bill provides incentive for their use.

John Geach, supervisor, Underground Storage Tank Division, Department of Health and Environmental Sciences (DHES), said passage of HB 512 will lessen accidental tank release liability. EXHIBIT 15

Ronna Alexander, Montana Petroleum Marketers, noted that double-walled tanks produce double costs.

Bob Robinson, Director, DHES, testified in support of the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. BROOKE asked REP. GILBERT if the fund was being rapidly depleted. REP. GILBERT said another bill will infuse additional funds.

REP. RANEY asked Mr. Robinson if a leaking tank is removed, will DHES pay for a double-walled replacement tank. REP. GILBERT replied no, DHES will not directly pay for a new double-walled tank. Rather than paying 50% of the eligible costs or \$17,000, the fund will pay 100% of the eligible costs up to \$35,000.

REP. BROOKE asked how many will take advantage of this incentive. REP. GILBERT responded that the program should be well utilized.

Closing by Sponsor:

REP. GILBERT closed the hearing by saying the environment is worth protecting and, therefore, urges passage of HB 512.

HEARING ON HB 532Opening Statement by Sponsor:

REP. ROLPH TUNBY, HD 24, Plevna, said HB 532 represents the third in a series of landfill legislation by providing exceptions to the moratorium on importation of solid waste. The bill extends the moratorium until the final mega-landfill rules are set. Both HB 532 and HB 434 should be passed. He proposed amendments to HB 532. EXHIBIT 15a

Proponents' Testimony:

Terry Cosgrove, on behalf of Fallon County residents, said HB 532 allows border counties to bring waste to Montana now rather than waiting for expiration of the moratorium. Smaller Montana counties should be allowed participation in the garbage business

Opponents' Testimony:

Chris Gallos, NEWTEC, Butte, said NEWTEC supports exclusions to the moratorium.

Dennis Olson, Northern Plains Resource Council (NPRC), said NPRC's meeting with REP. TUNBY was designed to place HB 434 and HB 532 in agreement. He stated NPRC does not want to keep the doors to mega-landfills open until legislation is in place.

Questions From Committee Members and Responses: None

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE

2/15/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK KNOX, CHAIRMAN	✓		
REP. ROLPH TUNBY, VICE CHAIRMAN	✓		
REP. JODY BIRD	✓		
REP. VIVIAN BROOKE	✓		
REP. RUSS FAGG	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. HAL HARPER	✓		
REP. SCOTT ORR	✓		
REP. BOB RANEY	✓		
REP. DORE SCHWINDEN	✓		
REP. JAY STOVALL	✓		
REP. EMILY SWANSON	✓		
REP. HOWARD TOOLE	✓		
REP. DOUG WAGNER	✓		

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DHES SUPPORTING TESTIMONY HB 512

EXHIBIT

DATE

HB

15

5/2

5

2-15-93

The Department of Health and Environmental Sciences supports HB 512. The Department believes that the passage of this bill will provide owners and operators of underground storage tanks with an incentive to voluntarily upgrade their facilities with double-walled tank systems which will provide a safer and healthier environment for the citizens of Montana.

Double wall underground storage tank systems provide a greater degree of protection from the release of stored product than single wall tank systems. A double wall tank system is essentially a single wall system totally encapsulated by a secondary outer wall. The interstitial space between the two walls can be monitored for indications of leakage from either the inner or outer walls. If the inner tank wall containing the stored petroleum product should fail, the released material would be contained and detected within the interstitial space and the outer wall. Current technology is available to provide continuous monitoring of the interstitial space and both inner and outer walls.

This legislation would amend current statutes to increase the percentage of allowable costs that could be reimbursed from the Petroleum Tank Release Compensation Fund (PTRCF) if an environmental release occurred when the tank and piping system involved is of a double-walled design. For tanks used for

commercial purposes, the law now provides that 50% of the initial \$35,000 of eligible leak investigation and remediation costs shall be reimbursed for the fund. The Fund also covers 50% of the first \$10,000 in eligible costs for release investigations and remediations from farm and residential tanks of 1,100 gallons or less capacity used to store motor fuels for non-commercial purposes and all tanks used to store heating oil for consumptive use on the premises where stored.

This proposed legislation would encourage the installation of double walled UST systems by waving the owner's Petroleum Tank Release Cleanup Fund deductible in the event of a tank release. In essence this wavier would be worth up to \$17,500 for commercial tanks and \$5,000 for small non-commercial and heating oil tanks which should offset the additional cost of a double wall tank system.

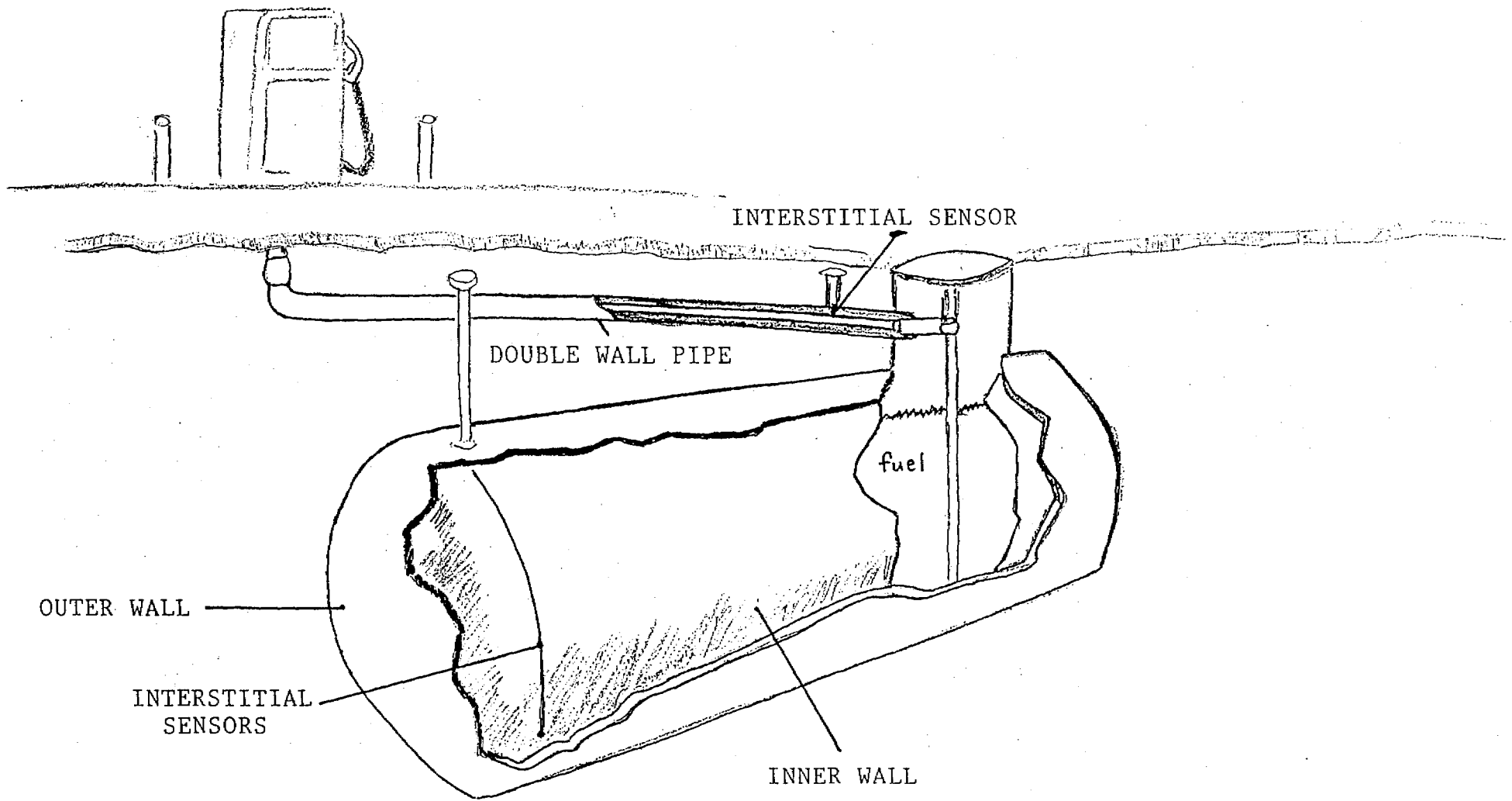
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Research and experience has shown that double-walled storage tank and piping systems are much less likely to leak. Because of the increased liability protection provided by double wall tank

systems, many companies such as Conoco, Shell Oil, US West, and the US Postal Service have made it a policy to install double-walled underground storage tank systems.

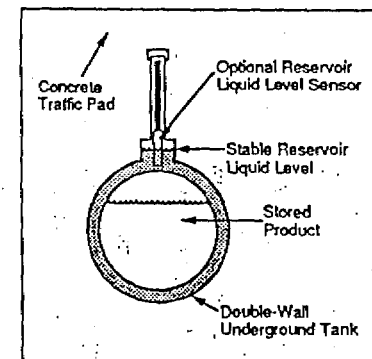
Since the probability of a release from a double wall system is greatly reduced from that of a single wall system, the increased liability to the PTRCF would be very minimal. Finally, the decreased risk of petroleum release is of incalculable benefit to public health, safety and the environment.

EXHIBIT 15
DATE 2-15-93
HB 512



DOUBLE WALLED UNDERGROUND STORAGE TANK WITH DOUBLE WALLED PIPE

EXHIBIT 15
 DATE 2-15-93
HB 512



Normal Conditions

The reservoir liquid level will be stable if both the inner and outer tank are tight.

The optional reservoir sensor will activate an alarm if the reservoir drains or overfills.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. 512
TE 2/15/93 SPONSOR(S) Gilbert

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Arthur David Ross	Avulubon Legislative Fund	✓	
John G. H. H.	D/Hes	✓	
Bonnie Alexander	mt. P. t. Mark, Texas	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 567

Motion: REP. FOSTER moved to amend HB 567 as outlined in EXHIBIT 3.

Discussion: The committee discussed the amendments and the ramifications of specific wording. Amendments from SURE WAY were also offered for consideration. EXHIBIT 4

Vote: TO AMEND HB 567 AS PROPOSED BY REP. FOSTER. Motion failed on a voice vote.

Motion/Vote: REP. HARPER moved to adopt a conceptual amendment to modify the statement of intent to cover double jeopardy fees. The amendment would be tied to the retroactive language in Section 9, noting when modifications would be applicable. Motion carried.

Motion/Vote: REP. WAGNER MOVED HB 567 DO PASS AS AMENDED. REP. KNOX disqualified himself from the vote. Motion carried, with REP. ORR voting against the bill.

EXECUTIVE ACTION ON HB 512

Motion: REP. GILBERT MOVED HB 512 DO PASS.

Motion: REP. GILBERT moved to adopt the amendments contained in EXHIBIT 5.

Discussion: Michael Kakuk, legal counsel, explained amendments to the committee.

Vote: MOTION TO ADOPT EXHIBIT 5 AMENDMENTS. Motion carried unanimously.

Motion/Vote: MOTION WAS MADE THAT HB 512 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 407

Motion: REP. WAGNER MOVED HB 407 DO PASS.

Motion: REP. WAGNER moved to adopt amendments to the bill.

Discussion: Mr. Kakuk explained that the amendments strike everything in the bill after Section 1, i.e. Sections 2-7. The committee deliberated on amending the legislation.

Vote: TO ADOPT THE AMENDMENTS TO HB 407. Motion carried.

Motion/Vote: REP. WAGNER MOVED HB 407 DO PASS AS AMENDED. Motion failed on a 6 - 10 vote.

HOUSE OF REPRESENTATIVES

Natural Resources COMMITTEE

BILL NO.

ROLL CALL

DATE 2-17-93

NAME	AYE	NO	
Jody Bird	✓		
Vivian Brooke	✓		
Rugg Fagg	✓		
Gary Feland	✓		
Mike Foster	✓		
Bob Gilbert	✓		
Hal Harper	✓		
Scott Orr	✓		
Bob Raney	✓		
Dore Schwinden	✓		
Jay Stovall	✓		
Emily Swanson	✓		
Howard Toole	✓		
Doug Wagner	✓		
Rolph Tunby, Vice Chairman	✓		
Dick Knox, Chairman	✓		

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Natural Resources report that House Bill 512 (first reading copy -- white) do pass as amended.

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Title, line 9.
Following: "75-11-308,"
Insert: "AND"
Following: "75-11-309,"
Strike: "AND 75-11-319,"
2. Page 1, line 12.
Strike: "underground"
Insert: "petroleum"
3. Page 1, line 13.
Following: "and"
Strike: "underground"
Insert: "associated"
Following: "to"
Strike: "underground"
Insert: "petroleum"
4. Page 1, line 14.
Strike: "and above ground"
5. Page 1, line 19.
Strike: "underground"
Insert: "petroleum"
6. Page 1, line 20.
Strike: "underground"
Insert: "associated"
7. Page 1, line 21.
Strike: "underground"
Insert: "petroleum"

Committee Vote:

8. Page 1, line 22.
Strike: "underground"
Insert: "associated"
9. Page 1, line 25.
Strike: "an underground"
Insert: "a petroleum"
10. Page 2, line 9.
Strike: "underground"
Insert: "petroleum"
11. Page 2, line 13.
Strike: "an underground"
Insert: "a petroleum"
12. Page 4, line 16.
Strike: "underground"
Insert: "petroleum"
13. Page 5, line 20.
Strike: "an underground"
Insert: "a petroleum"
14. Page 5, line 22 and line 23.
Strike: "of" on line 22 through "materials" on line 23
15. Page 5, line 23.
Following: "with"
Insert: "rigid"
16. Page 5, line 25.
Following: "leakage."
Insert: "The design and construction of these tank systems must meet standards of the department and the department of justice fire prevention and investigation bureau. The material used in construction must be compatible with the liquid to be stored in the system, and the system must be designed to prevent the release of any stored liquid."
17. Page 10, line 16.
Following: "for"
Insert: ": (i)"
18. Page 10, line 18.
Following: "\$495,000"
Insert: ": (A) for single-walled tank system releases; and (B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or

(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

19. Page 10, line 22.

Following: "for"

Insert: ": (i)"

20. Page 10, line 25.

Following: "\$982,500"

Insert: ": (A)"

Following: "releases"

Insert: "; and

(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or

(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

21. Page 10, line 25 through page 11, line 9.

Strike: "and" on page 10, line 25 through "costs" on page 11, line 9

22. Page 18, lines 2 through 16.

Strike: section 6 in its entirety

Renumber: subsequent sections

23. Page 18, line 19.

Following: "from"

Insert: "properly designed and installed"

Strike: "underground"

Insert: "petroleum"

24. Page 18, line 20.

Strike: "installed" through "1993"

-END-

Boyle

Amendments to House Bill No. 512
First Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 15, 1993

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Strike: section 6 in its entirety
Renummer: subsequent sections

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Following: "from"
Insert: "properly designed and installed"
Strike: "underground"
Insert: "petroleum"

24. Page 18, line 20.
Strike: "installed" through "1993"

EXHIBIT 5
DATE 2-17-93
HB 512

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ----- DATE READ

HB0448	ORR, SCOTT		REQUIRING A SEWAGE LAGOON TO BE SITED NOT LESS THAN 500FT FROM A WATER WELL		
	3/01	3/26	CONCUR	3/26	3/27
HB0454	VOGEL, RANDY		AN ACT AMENDING THE MEGALANDFILL SITING ACT		
	2/22	3/17	CONCUR	3/29	3/30
HB0488	BRANDEWIE, RAY		ESTABLISHING A SALVAGE TIMBER PROGRAM		
	3/01	3/22	CONCUR	3/23	3/24
HB0503	REAM, BOB		AMEND THE DEFINITION OF TIMBER SALE IN THE SMZ ACT		
	3/01	3/22	CONCUR	3/23	3/24
HB0512	GILBERT, BOB		FINANCIAL INCENTIVE FOR INSTALLATION OF DOUBLE-WALLED PETROLEUM TANKS		
	3/01	3/24	CONCUR	3/26	3/27
HB0532	TUNBY, ROLPH		PROVIDE EXCEPTIONS TO THE MORATORIUM ON IMPORTATION OF SOLID WASTE		
	3/01	3/12	CONCUR	3/26	3/27
HB0567	FOSTER, MIKE		COMMERCIAL MEDICAL AND HAZARDOUS WASTE INCINERATOR PERMITTING		
	3/01	3/17	CONCUR AS AMENDED	3/29	3/30
HB0571	BROWN, DAVE		ALLOWING SHORT-TERM EXEMPTIONS FROM THE WATER QUALITY STANDARDS		
	3/01	3/26	CONCUR	3/26	3/27
HB0592	GRIMES, DUANE		HAZARDOUS WASTE MANAGEMENT PERMIT FEES		
	3/20	3/26	CONCUR	3/27	3/29
HB0599	GRIMES, DUANE		CLARIFY WHEN DEPT OF STATE LANDS MAY NOT PREPARE EIS FOR AN OPERATING PERMIT		
	3/01	3/24	3/26	TABLED ON 03/27	
HJ0011	DAILY, FRITZ		SUPPORT FOR NEWTTEC IN BUTTE		
	2/22	3/15	CONCUR	3/17	3/19
HJ0020	KNOX, DICK		JOINT RESOLUTION SUPPORTING THE CLEANUP OF THE BERKELEY PIT		
	3/01	3/15	CONCUR	3/17	3/19

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Vice Chair Hockett, on March 24, 1993, at 3:21 p.m.

ROLL CALL

Members Present:

Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Don Bianchi, Chair (D), Sen. Chuck Swysgood (R)

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Kelsey Chapman for Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 423, HB 512, HB 599, HB 318
Executive Action: None.

HEARING ON HB 423

Opening Statement by Sponsor:

Representative Bob Gilbert, House District 22, said HB 423 would clarify that the Petroleum Tank Release Compensation Board will have hearings. Currently the board does not have Montana Environmental Protection Act (MEPA) hearings.

Proponents' Testimony:

Gene Reily, Executive Director of the Petroleum Tank Release Compensation Board, spoke from written testimony (Exhibit #1).

Brian McNitt, Montana Environmental Information Center (MEIC), said that the petroleum release program was very well run, and added that MEIC would support any effort to make the program better. He said HB 423 would accomplish this goal.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Representative Gilbert closed on HB 423.

HEARING ON HB 512Opening Statement by Sponsor:

Representative Bob Gilbert, House District 22, said HB 512 was an incentive bill for those who deal with underground storage tanks. He said that House amendments struck the word "underground" and inserted "petroleum". He said petroleum compensation covered both underground and above ground petroleum tanks that did not exceed 30,000 gallons. HB 512 provides that a person who installs a double walled tank which leaks would be compensated by the petroleum board at 100 percent of the loss rather than the normal compensation rate of 50 percent of the first \$35,000. He said this would provide incentive for people to install these tanks. He noted HB 512 would also change the reimbursement for small tanks from 50 percent of the first \$35,000 to 50 percent of the first \$10,000, and 100 percent of the subsequent cost to match a reimbursement of \$495,000.

Proponents' Testimony:

Frank Gessaman, Montana Department of Health and Environmental

Sciences (DHES), spoke from written testimony (Exhibit #2).

Brian McNitt, MEIC, said MEIC believes HB 512 to be protective of the environment and would give people incentive to be so as well.

Ronna Alexander, the Petroleum Marketers' Association, said double walled tanks cost double the price. She said the Committee should not believe that single walled tanks are unsafe, because new equipment in the industry had made it easier to detect problems with tanks more quickly.

Dave Ross, Montana Audubon Legislative Fund, rose in support of HB 512.

Lance Clark, Montana Association of Realtors, rose in support of HB 512.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weeding asked if there was a fiscal note on HB 512. Representative Gilbert said there was no fiscal note because there was no way of telling how many storage tanks would be affected. He said the benefits paid would be small, and thus the impact would be small.

Senator Weeding said picking up 100 percent reimbursement at \$10,000 instead of at \$35,000 might cause fiscal repercussions in HB 512. Representative Gilbert said there would not be that much of an impact if more double walled tanks were installed. He said neither double nor single walled tanks were unsafe.

Senator McClernan asked Gene Reily if the reimbursement rate changes would affect the Petroleum Tank Release Compensation Board. Ms. Reily answered the effects would be minimal.

Senator Hockett asked Representative Gilbert if the piping and fixtures on the double walled tanks were included in the 100 percent reimbursement benefits. Representative Gilbert said that "double walled tank system" means the tank and associated piping.

Closing by Sponsor:

Representative Gilbert said the concern is the high rate of reimbursement, but pointed out that the change would be very little because after the first \$35,000, 100 percent is usually paid anyway. He said the bill is a simple incentive to get people to use double walled tanks.

HEARING ON HB 599Opening Statement by Sponsor:

Representative Duane Grimes, House District 75, said HB 599 clarifies that the Department of State Lands (DSL) may not prepare an Environmental Impact Statement (EIS) for an operating permit which would neither be modified by mitigation requirements agreed to by an applicant, nor significantly affect the quality of the human environment. He said HB 599 clarified items in the hard rock mining statutes to prevent misunderstandings. He said the original intent of HB 599 had not been changed by House amendments, but rather had been clarified.

Proponents' Testimony:

Sandy Wilson, Chief of the Hard Rock Bureau, DSL, said DSL has authority to administer the Environmental Policy Act with respect to Montana's Mine Land Reclamation Program. She said the Hard Rock Bureau participates in an average of six EIS's per year. Most mining projects occur on a mixture of federal and private lands, and most studies are completed with cooperation of the Forest Service and the Bureau of Land Management (BLM). She said under the Montana Environmental Protection Act (MEPA), DSL was completing mitigated environmental assessments (EAs), and EISs. Ms. Wilson said mitigated EA's may be prepared where an applicant through mitigation has reduced impacts below the level of significance. She added MEPA regulations allow DSL to prepare at its discretion an EIS instead of a mitigated EA under these circumstances. HB 599 as amended removes this discretion and requires DSL under the Metal Mine Reclamation Act to complete an EA for operating permits where impacts will not be significant unless an applicant waives that right. As originally drafted, HB 599 applied to all environmental impact statutes. She said agencies do not have the authority to charge EA fees, however HB 599 as amended would resolve funding issues and give DSL authority to charge for an EA.

Fess Foster, Chief Geologist and Permit Coordinator, Golden Sunlight Mines, Inc., spoke from written testimony in favor of HB 599 (Exhibit #3).

Terry Grotbo, Director of Mine Services, Chen-Northern, Inc, spoke in favor of HB 599 from written testimony (Exhibit #4).

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/24/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi			X
Hockett	X		
Bartlett	X		
Doherty	X		
Grosfield	X		
Keating	X		
Kennedy	X		
McClernan	X		
Swift	X		
Swysgood			X
Treit	X		
Weeding	X		
Weldon	X		

DHES SUPPORTING TESTIMONY HB 512

SENATE NATURAL RESOURCES

EXHIBIT NO. A 2

DATE 3-24-93

BILL NO. HB 512

The Department of Health and Environmental Sciences supports HB 512. The Department believes that the passage of this bill will provide owners and operators of underground storage tanks with an incentive to voluntarily upgrade their facilities with double-walled tank systems which will provide a safer and healthier environment for the citizens of Montana.

Double wall underground storage tank systems provide a greater degree of protection from the release of stored product than single wall tank systems. A double wall tank system is essentially a single wall system totally encapsulated by a secondary outer wall. The interstitial space between the two walls can be monitored for indications of leakage from either the inner or outer walls. If the inner tank wall containing the stored petroleum product should fail, the released material would be contained and detected within the interstitial space and the outer wall. Current technology is available to provide continuous monitoring of the interstitial space and both inner and outer walls.

This legislation would amend current statutes to increase the percentage of allowable costs that could be reimbursed from the Petroleum Tank Release Compensation Fund (PTRCF) if an environmental release occurred when the tank and piping system involved is of a double-walled design. For tanks used for

commercial purposes, the law now provides that 50% of the initial \$35,000 of eligible leak investigation and remediation costs shall be reimbursed for the fund. The Fund also covers 50% of the first \$10,000 in eligible costs for release investigations and remediations from farm and residential tanks of 1,100 gallons or less capacity used to store motor fuels for non-commercial purposes and all tanks used to store heating oil for consumptive use on the premises where stored.

This proposed legislation would encourage the installation of double walled UST systems by waving the owner's Petroleum Tank Release Cleanup Fund deductible in the event of a tank release. In essence this wavier would be worth up to \$17,500 for commercial tanks and \$5,000 for small non-commercial and heating oil tanks which should offset the additional cost of a double wall tank system.

The passage of this legislation would also lessen the liability fears of potential property buyers and lending institutions enabling individuals to obtain financing more easily for properties with double wall tank systems. Currently the concern of assuming an unknown liability for property with existing underground storage tanks is hindering many real estate sales.

Research and experience has shown that double-walled storage tank and piping systems are much less likely to leak. Because of the increased liability protection provided by double wall tank

EXHIBIT #2
DATE 3-24-93
71 HB-512

systems, many companies such as Conoco, Shell Oil, US West, and the US Postal Service have made it a policy to install double-walled underground storage tank systems.

Since the probability of a release from a double wall system is greatly reduced from that of a single wall system, the increased liability to the PTRCF would be very minimal. Finally, the decreased risk of petroleum release is of incalculable benefit to public health, safety and the environment.

DATE 3/24/93SENATE COMMITTEE ON Natural ResourcesBILLS BEING HEARD TODAY: HB 423, HB 512, HB 599,
HB 318

Name	Representing	Bill No.	Check One Support Oppose
REX MANUEL	GENEX	HB 318	✓
Dexter Busby	Montana Refining	HB 318	✓
Susan Callaghan	Mont. Power	HB 318	✓
Jeff Chubb / Hon Sensibrough / Tina	DHES - Air Quality Bureau	HB 318	✓
Lance Clark	MT Assn Realtors	HB 512	✓
FRANK Gossman	DHES	HB 512	✓
Brian McNitt	MEIC	HB 423 HB 512 HB 318	X
Jim Mockler	MT Coal Comm.	HB 318	✓
Janelle Fallon	MT Petroleum	HB 318	✓
Tammy Johnson	CURE	HB 599	✓
Eric Williams	Pegasus Gold	HB 318 HB 599	X
Ronna Alexander	MT. Pet. Marketers	HB 512	X
Mike Micone	CONOCO	HB 318	X
David Ross	MT. Audubon Legislative	HB 318	X
"	"	HB 512	X
Terry R. Gatto	Chem-Northern, Inc.	HB 599	X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON HOUSE BILL 448Motion/Vote:

Senator Swift moved House Bill 448 BE CONCURRED IN. The motion CARRIED. Senator Grosfield agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 571Discussion:

Senator McClernan moved House Bill 571 BE CONCURRED IN. The motion CARRIED. Senator Jacobson will carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 423Motion/Vote:

Senator Weeding moved House Bill 423 BE CONCURRED IN. Motion CARRIED. Senator Weeding agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 512Motion/Vote:

Senator Weldon moved House Bill 512 BE CONCURRED IN. Motion CARRIED. Senator Weldon agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HB 532Motion/Vote:

Senator Weeding moved House Bill 532 BE CONCURRED IN. Motion CARRIED. Senator Bruski-Maus will carry the bill on the floor.

DISCUSSION ON HB 442

Chair Bianchi said Jim Jensen had been asked to get together with Gary Langley and bring some suggestions back to the Committee for amendments to HB 442. Dennis Olson, Northern Plains Resource Council (NPRC) discussed Mr. Jensen's efforts to draft amendments acceptable to Mr. Langley. Mr. Sihler said this bill has a conflict with SB 320 and needs amendments. The Committee decided to postpone action on HB 442.

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/26/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi	✓		
Hockett	✓		
Bartlett	✓		
Doherty	✓		
Grosfield	✓		
Keating	✓		
Kennedy	✓		
McClerman	✓		
Swift	✓		
Swysgood	✓		
Treit	✓		
Weeding	✓		
Weldon	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 512 (third reading copy -- blue), respectfully report that House Bill No. 512 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair